

Serial No. 09/617,459

HRT 0182

REMARKS

This Amendment is filed in response to the Office Action dated March 24, 2004. A petition for a one-month extension of time is attached. Claims 1, 3, 4, 6-7 and 10-20 are pending in this application. Claim 5 is cancelled.

The Examiner continues to object to the form of the Information Disclosure Statement filed on July 17, 2000, as failing to include copies of the foreign and journal articles/ references. As Applicants stated in the prior Amendment, this application is a continuation from U.S. Patent Application Serial No. 08/839,189, filed on April 23, 1997, which issued as U.S. Patent No. 6,090,096. Each of the references cited in the July 17, 2000, IDS were cited and provided in the parent application. As a result, Applicants have complied with the requirements of 37 CFR 1.98. See in particular 37 CFR 1.98(d)(2), which states that Applicant *need not* supply copies of any patent, publication or application where they have been supplied previously in a related application and the IDS refers to that earlier filing.

Nonetheless, Applicants will attempt to obtain additional copies to submit for the Examiner's review as soon as possible. Applicants request that the Examiner order the parent application and review the file for the cited references.

The Examiner rejected claim 5 under 35 U.S.C. § 102(b) as being anticipated by Runge (U.S. Patent No. 5,688,245) and by Machold (U.S. Patent No. 5,458,574). While Applicants disagree with the Examiner, in order to advance prosecution, Applicants have cancelled claim 5, without prejudice to pursuing the same claim in a continuing application.

Applicants respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: 

Brian S. Tomko  
Reg. No. 41,349

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1239  
(732) 524-5575 (fax)  
Dated: June 24, 2004